

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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WEN JIAN LIN,

Plaintiff,

MEMORANDUM & ORDER

22-cv-6989 (EK) (RML)

-against-

BUND DUMPLING HOUSE INC. d/b/a
THE BUND a/k/a BUND ON BROADWAY
a/k/a SHANGHAINES DUMPLING
NOODLE HOUSE; BUND ON BROADWAY
& COMPANY INC. d/b/a THE BUND a/k/a
THE BUND CHINESE CUISINE a/k/a
SHANGHAINES DUMPLING NOODLE
HOUSE; DAVID KONG, and MAGGIE LIU,
as an individual,

Defendants.

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ERIC KOMITEE, United States District Judge:

The Court has received Magistrate Judge Levy's Report and Recommendation (R&R) dated September 26, 2023. ECF No. 14. Judge Levy recommends that plaintiff's motion for default judgment be granted, and that plaintiff be awarded \$31,591.24 in damages, plus pre- and post-judgment interest, and \$6,153.52 in attorney's fees and costs. Neither party has filed objections and the time to do so has expired. Accordingly, the Court reviews Judge Levy's recommendation for clear error on the face of the record. See Fed. R. Civ. P. 72(b) advisory committee's note to 1983 addition; accord *State Farm Mut. Auto. Ins. Co. v. Grafman*, 968 F. Supp. 2d 480, 481 (E.D.N.Y. 2013).

Having reviewed the record, I find no clear error and therefore adopt the R&R in its entirety. Thus, the motion for default judgment is granted, and plaintiff is awarded \$31,591.24 in damages; plus pre-judgment interest from November 19, 2021 to the date on which judgment is entered, at a per diem rate of \$2.66, plus post-judgment interest at the statutory rate; plus \$6,153.52 in attorney's fees and costs. The Clerk of Court is respectfully directed to enter default judgment for the plaintiff and against the defendants, and to close the case.

SO ORDERED.

/s/ Eric Komitee
ERIC KOMITEE
United States District Judge

Dated: March 22, 2024
Brooklyn, New York